

## CONGRESSIONAL RECORD SUMMARY

Thursday, June 28, 2001

### SENATE

#### Measures Introduced:

**S. 1129.** *A bill to increase the rate of pay for certain offices and positions within the executive and judicial branches of the Government, respectively, and for other purposes; to the Committee on Governmental Affairs.*

*"... The salaries earned by these employees are, on average, well below those earned by their peers in private industry. Pay caps for the Senior Executive Service and certain other positions in the government are tied to the Executive Schedule which includes senior level officials as well as Members. Pay freezes for positions on the Executive Schedule in five of the past eight years has resulted in pay compression so severe that 60 percent of the entire executive corps earns essentially the same salary despite differences in obligation and executive level. Over the past eight years, pay increases for these executives would average 1 percent per year. There is not much of an incentive to accept a higher position with added responsibilities and increased work hours for little or no increase in pay..."*

Warner

*Pages S 7083, S 7905-6*

**S. 1136.** A bill to provide for mass transportation in certain Federally owned or managed areas that are open to the general public; to the Committee on Energy and Natural Resources.

Sarbanes

*Pages S 7084, S 7109-14*

#### Measure Passed:

**Adjournment Resolution:** *Senate agreed to H. Con. Res. 176*, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

*Pages S 7076, D 651*

#### S. 1052. Patients' Bill of Rights:

*Senate continued consideration of S. 1052*, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage, taking action on the following amendments proposed thereto:

*Pages S 7011-76, D 651*

#### Adopted:

By 64 yeas to 36 nays (Vote No. 203), **Breaux Amendment No. 830**, to modify provisions relating to the standard with respect to the continued applicability of State law.

*Pages S 7011, S 7016, D 651*

**Hutchison/Clinton Amendment No. 839**, to include information relating to disenrollment in the information provided to patients.

*Pages S 7043, D 651*

**Gramm/McCain Amendment No. 843**, to ensure the sanctity of the health plan contract.

*Pages S 7045-6, D 651*

By 96 yeas to 4 nays (Vote No. 205), **Snowe Modified Amendment No. 834**, to make technical corrections concerning the application of Federal causes of action to certain plans.

*Pages S 7027-40, S 7053-4, D 651*

#### S. 1052. Patients' Bill of Rights (Cont'd.):

**Rejected:**

***Collins Amendment No. 826***, to modify provisions relating to preemption and State flexibility. (By 53 yeas to 44 nays (Vote No. 202), ***Senate tabled the amendment.***)

*Pages S 7011-16, D 651*

***Bond Amendment No. 831***, to ensure that patients receive a minimum share of any settlement or award in a cause of action under this Act. (By 62 yeas to 38 nays (Vote No. 204), ***Senate tabled the amendment.***)

*Pages S 7016-26, D 651*

***Division I of Enzi Amendment No. 840***, to provide immunity to certain self-insured group health plans that provide health insurance options. (By 55 yeas to 45 nays (Vote No. 206), ***Senate tabled Division I of the amendment.***)

*Pages S 7040-3, S 7043-5, S 7054, D 651*

***By 42 yeas to 58 nays (Vote No. 207), Specter Amendment No. 844***, to require that causes of action under this Act be maintained in federal court.

*Pages S 7046-53, S 7054-5, D 651*

**Withdrawn:**

***Division II of Enzi Amendment No. 840***, to provide immunity to certain self-insured group health plans that provide health insurance options.

*Pages S 7054, D 651*

**Pending:**

***Thompson Amendment No. 819***, to require the exhaustion of administrative remedies before a claimant goes to court.

*Pages S 7011, D 651*

***Warner Modified Amendment No. 833***, to limit the amount of attorneys' fees in a cause of action brought under this Act.

*Pages S 7026-7, S 7055-6, D 651*

***DeWine Amendment No. 842***, to limit class actions to a single plan.

*Pages S 7056-7, D 651*

***Grassley Amendment No. 845***, to strike provisions relating to customs user fees, and Medicare payment delay.

*Pages S 7058-62, D 652*

***Santorum Amendment No. 814***, to protect infants who are born alive.

*Pages S 7062-4, D 652*

***Nickles Amendment No. 846***, to apply the bill to plans maintained pursuant to collective bargaining agreements beginning on the general effective date.

*Pages S 7064-6, D 652*

***Brownback Amendment No. 847***, to prohibit human germline gene modification.

*Pages S 7066-72, D 652*

***Ensign Amendment No. 849***, to provide for genetic nondiscrimination.

*Pages S 7072-3, D 652*

***Ensign Amendment No. 848***, to provide that health care professionals who provide pro bono medical services to medically underserved or indigent individuals are immune from liability.

*Pages S 7073-4, D 652*

A unanimous-consent agreement was reached providing for further consideration of the bill and pending amendments (listed above) on Friday, June 29, 2001, with votes to occur on certain pending amendments beginning at 9 a.m.

*Pages S 7074, D 652*

**S. 1077. Supplemental Appropriations--Agreement:**

A unanimous-consent agreement was reached providing for consideration of **S. 1077**, making supplemental appropriations for the fiscal year ending September 30, 2001, at 1 p.m., on Monday, July 9, 2001, and that

all first degree amendments be offered by 6 p.m., with the exception of the managers' amendment, and that any first degree amendment be subject to relevant second degree amendments. *Further, that upon disposition of the aforementioned amendments, the bill be advanced to third reading and the Senate then proceed to the consideration of H.R. 2216, House companion measure, that all after the enacting clause be stricken and the text of S. 1077, as amended, be inserted in lieu thereof, that the bill be advanced to third reading, and the Senate then vote on passage of the bill; following which, S. 1077 be returned to the calendar.*

*Pages S 7126, D 652*

**Committee Meetings:**

**Committee on Rules and Administration:** Committee concluded hearings to examine a report from the U.S. Commission on Civil Rights regarding the November 2000 election and election reform in general.

*Page D 654*

**Committee on Veterans' Affairs:** Committee concluded hearings on proposals providing for certain Veteran's benefits, **S. 1063**, to amend chapter 72 of title 38, United States Code, *to improve the administration of the United States Court of Appeals for Veterans Claims*, **S. 1089**, to amend section 7253 of title 38, United States Code, *to expand temporarily the United States Court of Appeals for Veterans Claims in order to further facilitate staggered terms for judges on that court*, and **S. 1093**, to amend title 38, United States Code, to exclude certain income from annual income determinations for pension purposes, *to limit provision of benefits for fugitive and incarcerated veterans*, to increase the home loan guaranty amount for construction and purchase of homes, and to modify and enhance other authorities relating to veterans' benefits.

*Pages D 654-5*

**Remark:**

**A Call For Action.**

*"...A new poll conducted by the Opinion Research Corporation International and released by the Brady Campaign to Prevent Gun Violence confirms once again that the American people support sensible gun safety legislation. Eighty-three percent of those polled said they support criminal background checks on all gun purchases at gun shows..."*

Levin

*Page S 7078*

**HOUSE**

**Bills Introduced:**

**H.R. 2355.** A bill to *amend subchapter III of chapter 83 of title 5, United States Code*, to make service performed as an employee of a nonappropriated fund instrumentality after 1965 and before 1987 creditable

for retirement purposes; to the Committee on Government Reform.

Davis

Page H 3802

**H.R. 2359.** A bill to amend title 38, United States Code, to authorize the payment of National Service Life Insurance and United States Government Life Insurance proceeds to an alternate beneficiary when the first beneficiary cannot be identified, to improve and extend the Native American veteran housing loan pilot program, and to eliminate the requirement to provide the Secretary of Veterans Affairs a copy of a notice of appeal to the Court of Appeals for Veterans Claims; to the Committee on Veterans' Affairs.

Smith

Page H 3802

**H.R. 2366.** A bill to *amend the Family and Medical Leave Act of 1993* to clarify the Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Biggert

Page H 3802

**H.R. 2367.** A bill to *amend the Employee Retirement Income Security Act of 1974*, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide for accountability of health plans; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Sessions

Page H 3802

**H.R. 2373.** *A bill to provide for the periodic review of the efficiency and public need for Federal agencies, to establish a Commission for the purpose of reviewing the efficiency and public need of such agencies, and to provide for the abolishment of agencies for which a public need does not exist; to the Committee on Government Reform.*

Brady

Page H 3802

**H.R. 2377.** A bill to *require criminal background checks on all firearms transactions* occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and to provide additional resources for gun crime enforcement; to the Committee on the Judiciary.

Castle

Page H 3803

**H.R. 2391.** A bill to *prohibit any Federal agency from issuing or enforcing certain rules that may be applied to restrict the transportation or possession of a firearm* on a public Federal road; to the Committee on Resources.

Hostettler

Page H 3803

**H.R. 2397.** *A bill to require the Office of Personnel Management to conduct a study to determine the approximate number of Federal employees and annuitants who are eligible to participate in the health benefits program under chapter 89 of title 5, United States Code, but who are covered neither by such program nor by any other health insurance, and for other purposes; to the Committee on Government Reform.*

Maloney

Page H 3804

#### **Bills Introduced (Cont'd.):**

**H.R. 2399.** *A bill to require the General Services Administration to identify all potential electrical capacity at Federal facilities available from existing installed backup generators, and for other purposes; to the Committee on Transportation and Infrastructure.*

McCarthy

Page H 3804

**H.R. 2403.** A bill to *direct the head of each executive agency to conduct a study on the improvement of employment readiness in the respective agency*; to the Committee on Government Reform.

Millender-McDonald

*Page H 3804*

**H.R. 2407.** A bill to *amend the Public Buildings Act of 1959 to direct the Administrator of General Services to provide for the procurement of photovoltaic solar electric systems for use in public buildings*, and for other purposes; to the Committee on Transportation and Infrastructure.

Oberstar

*Page H 3804*

**H.R. 2417.** A bill to facilitate the creation of a new global top-level Internet domain that will be a haven for material that will promote positive experiences of children and families using the Internet, to provide a safe online environment for children, and to help prevent children from being exposed to harmful material on the Internet, and for other purposes; to the Committee on Energy and Commerce.

Shimkus

*Page H 3804*

**H.R. 2421.** A bill to *exercise authority under Article I, section 8, clause 3 of the Constitution of the United States to clearly establish jurisdictional boundaries* over the commercial transactions of digital goods and services conducted through the Internet, and to foster stability and certainty over the treatment of such transactions; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Stearns

*Pages H 3804-5*

#### **Late Reports:**

*The Committee on the Judiciary received permission to have until midnight on Friday, July 6 to file reports on H.R. 2215, 21st Century Department of Justice Appropriations Authorization Act and H.R. 2137, Criminal Law Technical Amendments Act of 2001.*

*Pages H 3788, D 657*

#### **Executive Communication:**

**EC.-2736.** A letter from the *Assistant Attorney General, Department of Justice*, transmitting the 2000 Annual Report of the Office of the Police Corps and Law Enforcement Education; to the Committee on the Judiciary.

*Page H 3801*

#### **Committee Meetings:**

**Committee on Education and the Workforce:** Subcommittee on 21st Century Competitiveness began discussion of **H.R. 1992**, Internet and Education Equity Act of 2001.

**Committee on Energy and Commerce:** Subcommittee on Health and the Subcommittee on Oversight and Investigations held a joint hearing on *Patients First: A 21st Century Promise to Ensure Quality and Affordable Health Coverage*.

**Committee on Financial Services:** Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth held a hearing entitled “*ESIGN-Encouraging the Use of Electronic Signatures in the Financial Services Industry.*”

**Committee on Government Reform:** Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on the Reauthorization of the Drug Free Communities Act.

*Page D 658*

**Committee on House Administration:** *Ordered favorably reported H.R. 2360*, Campaign Reform and Citizen Participation Act of 2001. The Committee also *unfavorably reported H.R. 2356*, Bipartisan Campaign Reform Act of 2001. Prior to this action, the Committee concluded hearings on campaign finance reform.

**Committee on Transportation and Infrastructure:** *Subcommittee on Economic Development, Public Buildings and Emergency Management approved for full Committee action the Fiscal Year 2002 Capital Investment Program.*

*Page D 659*

**Remark:**

HMO Reform.

Ganske

*Pages H 3797-H 3800*

**Next SENATE MEETING: Friday, 9:00 a.m., June 29, 2001.**

**Next HOUSE MEETING: Tuesday, 2:00 p.m., July 10, 2001.**

**OLA: S. Schwarz (Smith), J. Homanich**